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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,093	08/29/2003	Thomas F. Egan	ACCESS-008XX	7731
7590 12/16/2005			EXAMINER	
Thomas E. Anderson 8707 Seven Locks Road Bethesda, MD 20817			TRAN, THUY VAN	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/651,093	Applicant(s) EGAN, THOMAS F.	
	Examiner Thuy v. Tran	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 7, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolfman et al. 5,540,539 (submitted IDS).

Wolfman '539 discloses a lifting apparatus for transferring a user to and from a seat of a vehicle, the lifting apparatus comprising a mounting and support assembly 18, Fig. 4 for attachment to a chassis of the vehicle, an extension arm assembly (16, 22) directly coupled to the mounting and support assembly such that the extension arm is located substantially in front the vehicle seat 28, a modular and removable transfer seat assembly (58) directly coupled to the extension arm assembly for directly supporting a user seated thereon, and a support member (44) attached to the extension arm assembly for supporting the transfer seat. Wherein the extension arm assembly is operative to raise and lower the transfer seat such that the transfer seat may be positioned substantially adjacent to and level with a sitting portion of the vehicle seat.

Re claim 10, the extension arm assembly comprises telescoping inner and outer member (82, 30, Figure 1A)

4. Claims 2-4, 6, 8-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Czech et al. 5,180,275.

Czech '275 discloses a lifting apparatus for transferring a user to and from a seat of a vehicle, the lifting apparatus 10, Figs. 2-6, comprising a mounting and support assembly 22, 23 for attachment to a

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chassis of the vehicle, an extension arm assembly directly coupled to the mounting and support assembly such that the extension arm is located substantially behind the vehicle seat 21, a transfer seat assembly (platform 18 and wheel chair) directly coupled to the extension arm assembly for directly supporting a user seated thereon. Wherein the transfer seat assembly comprises a support member 8 directly coupled to the extension arm assembly for supporting the transfer seat that is directly coupled to the support member via retainers (12, 13, 16 & 17). Wherein the extension arm assembly is operative to raise and lower the transfer seat such that the transfer seat may be positioned substantially adjacent to and level with a sitting portion of the vehicle seat.

Re claims 4 & 12, the support member 8 pivots about substantially horizontal axis between a substantially horizontal position and a substantially vertical position.

Re claim 8, similar to claim 1 except the extension arm assembly is located substantially in front of the vehicle seat 21' (Figure 6).

Re claim 9 and 10, the extension arm assembly comprises telescoping inner and outer member (57, 60, Figure 9)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 6, 7 and 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfman et al. 5,540,539.

Wolfman '539 discloses an extension arm assembly located in front the vehicle seat instead of behind the vehicle seat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the extension arm assembly behind the vehicle seat, since it has been held that rearranging parts of an invention involves only routine skill in the art.

Response to Arguments

7. Applicant's arguments filed November 7, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that Czech reference fails to teach a transfer seat assembly directly coupled to the extension arm assembly for directly supporting a user seated thereon as amended in claims 2 and 8, the transfer seat assembly of Czech includes a support member (8) and a transfer seat (wheel chair), wherein the support member (8) is directly coupled to the extension arm assembly, as discussed in paragraph 4 above. Thus, the transfer seat assembly is directly coupled to the extension arm assembly for directly supporting a user seated thereon.

In response to applicant's argument that Czech fails to disclose the extension arm assembly is operative such that the transfer seat assembly is substantially adjacent to and level with a sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly, it is noted from Figures 3 and 5 that the support member (8) is about the floor level and with the transfer seat (wheel chair), it is reasonably interpreted that the extension arm assembly is operative such that the transfer seat assembly is substantially adjacent to and level with a sitting portion of the vehicle seat when the transfer seat assembly is raised by the extension arm assembly.

In response to applicant's argument that Czech fails to disclose a support member directly coupled to the extension arm assembly, and a transfer seat directly coupled to the support member for directly supporting a user seated thereon, Czech shows the transfer seat assembly comprises a support member 8 directly coupled to the extension arm assembly for supporting the transfer seat that is directly coupled to the support member via retainers (12, 13, 16 & 17).

Applicant's arguments with respect to amended claims 5, 7, 13 and 15 have been fully considered and are persuasive. The rejection of claims 5 and 13 by Czech reference has been withdrawn.

In response to applicant's argument that Czech fails to disclose the transfer seat is modular and removable, the transfer seat (wheel chair) of Czech is modular and removable.

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Allowable Subject Matter

8. Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)


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